

**WILLIAMSBURG CITY COUNCIL  
MARCH 8, 2007  
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, March 8, 2007 at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were City Manager Tuttle and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Assistant City Attorney Workman, and Department Heads Clayton, Nester, Hudson, Weiler, Yost, Serra and Walentisch.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Freiling Moved That City Council Approve the Minutes of February 5 and 8, 2007, and Special Meeting of February 27, 2007. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Memorial Resolutions of the Virginia General Assembly celebrating the lives of Vernon M. Geddy, Jr. and Trist B. McConnell, presented by Senator Tommy Norment**

Mayor Zeidler recognized the members of the Geddy and McConnell families. Memorial resolutions were passed by the General Assembly honoring former Mayor Vernon Geddy, Jr. and Mayor Trist B. McConnell. Senator Norment will present the resolutions to the families upon his arrival.

**75th Anniversary of the Council-Manager Form of Government, Presentation of ICMA Resolution by ICMA President-Elect Ed Daley**

Mr. Tuttle introduced Mr. Ed Daley, City Manager in Winchester, Virginia and President-Elect of the International City/County Management Association.

Mr. Daley congratulated the city on its 75<sup>th</sup> anniversary of the Council-Manager form of government. He thought it appropriate to be recognizing two former Mayors of the city. Mr. Daley read the resolution adopted by ICMA in recognition of the anniversary and presented the resolution to Council.

Mayor Zeidler thanked Mr. Daley for the recognition and noted that Williamsburg is the oldest chartered city government in Virginia. A Council-Manager government that operates without partisanship and without corruption. Mayor Zeidler took the opportunity to recognize Mr. Tuttle for his sixteen years of service with the city.

## **PUBLIC HEARINGS**

### **PCR #07-007: Rezoning of portions of the public right-of-way at Capitol Landing Road/Merrimac Trail from B-2 to RS-1, RM-2, PDR and LB-4, *Proposed Ordinance #07-15***

Reference for this item was Mr. Nester's report dated March 8, 2007. Mr. Nester explained that the residents of the Brandywyne Subdivision had expressed concerns about the location of the zoning boundaries adjacent to their subdivision in conjunction with the rezoning of the area around DMV from B-3 to B-2. Council asked the Planning Commission to review the zoning. Mr. Nester showed a slide of the area. Planning Commission held a public hearing on this matter and recommend that the B-2 zoning for the public right-of-way at the Capitol Landing Road/Merrimac Trail intersection be changed to a combination of RS-1, PDR, RM-2 and LB-4 zoning, as detailed in the proposed ordinance.

Council members had no questions.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

*Mr. Freiling Moved that City Council Adopt Proposed Ordinance #07-15, An Ordinance to Rezone Approximately 9.3 Acres of the Public Right-of-Way in the Vicinity of the Intersection of Merrimac Trail and Capitol Landing Road from B-2 to RS-1, PDR, RM-2 and LB-4. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None* (See Attached Adopted Ordinance #07-12)

Senator Norment arrived.

### **Memorial Resolutions of the Virginia General Assembly celebrating the lives of Vernon M. Geddy, Jr. and Trist B. McConnell, presented by Senator Tommy Norment**

Senator Norment thanked Council for the opportunity to visit its formal meeting and apologized for being tardy. He was very pleased to present the Senate Joint Memorial Resolutions (Numbers 62 and 63) for our former Mayors (attached).

Senator Norment read the resolution celebrating the life of Vernon Meredith Geddy, Jr., recognizing his career and community service, and presented the resolution to Mrs. Geddy and her family. The Senator said that Bud Geddy meant so much to this community and that he appreciated his friendship.

Senator Norment read the resolution celebrating the life of Trist Bringier McConnell, recognizing his career and community contributions, and presented the resolution to Mrs. McConnell and her family. The Senator said Trist was truly a Virginia gentleman, and he remembered him standing on Duke of Gloucester Street greeting visitors to our city.

Mayor Zeidler thanked the Senator for attending the meeting. She was pleased that it was being televised so that everyone could reflect on the service of these two gentlemen. She

thanked the families for their involvement in the contributions to our community made by Mr. Geddy and Mr. McConnell. Senator Norment was wonderful to make these presentations.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

### **Monthly Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

### **Planning Reports**

**1. PCR #07-004: Revise the B-3 District to allow “Rooming facilities for exchange visitors” with a special use permit.**

**2. PCR #07-005: Revise the MS District to allow “Rooming facilities for exchange visitors” with a special use permit.**

**3. PCR #07-006: Consideration of limitations on the number of hotels or motels on individual streets that can be leased to exchange visitors.**

Reference for these items was Mr. Nester’s report dated March 8, 2007. Mr. Nester explained that City Council approved an amendment to the Zoning Ordinance in January to allow hotels and motels in the B-2 Corridor Business district to lease rooms to exchange visitors. Following Council’s approval, the following issues were referred to the Planning Commission for review and recommendation:

- Consideration of adding the same provisions to the B-3 General Business District and the MS Museum Support District, and
- Consideration of revising the Zoning Regulations to establish a limitation on the number of rooms that could be leased to exchange visitors.

Planning Commission held public hearings on the cases and recommended that the zoning text amendments for the B-3 and MS Districts be denied, that limits on the number of rooms that can be leased to exchange visitors not be imposed at this time, and that the program be reevaluated at the end of the year for additional restrictions.

Mr. Nester said that public hearings were not scheduled for this City Council meeting. If Council wishes to accept the Planning Commission’s recommendation, Council would need to approve a motion to withdraw, or Council could decide to hold a public hearing on these cases before it makes a decision.

*Mr. Haulman Moved that City Council Withdraw from Consideration PCR #07-004, #07-005, and PCR #07-006. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

### **City Manager Reports**

**Revision of the City Code, Certificates of Public Convenience and Necessity, Proposed Ordinance #07-18**

Reference for this item was Mr. Tuttle's report dated February 28, 2007. Mr. Tuttle explained that the code was amended to clarify the sections of the ordinance addressing enforcement of the code. He referred to the ordinance provisions outlined in his report, and recommended that the ordinance be adopted.

*Mr. Haulman Moved That City Council Approve Proposed Ordinance #07-18, An Ordinance to Amend and Restate Article II, Chapter 20 of the Williamsburg Code Pertaining to Vehicles for Hire. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None* (See Attached Adopted Ordinance #07-15)

**Residency Requirement for Certain City Employees, Proposed Ordinance #07-17**

Reference for this item was Mr. Tuttle's report dated February 28, 2007. Mr. Tuttle said that the Police Chief, Fire Chief, and Public Works Director, must reside within ten miles of the jurisdictional boundaries of the city and must reside on the Peninsula, not on the other side of the James River or York River. The proposed ordinance amendment gives the City Manager authority to designate other positions subject to these same residency requirements, should he determine that public safety and welfare justifies the imposition of such restrictions. If Council adopts the revision, the Deputy Fire Chief position would be subject to the residency requirement because the person in that position is the deputy emergency management coordinator and must be able to quickly take command of fire operations. The current Deputy Chief, Bert Geddy, has announced his retirement.

*Mr. Freiling Moved That City Council Adopt Proposed Ordinance #07-17, An Ordinance to Amend and Restate Section 2-183 of Article IV, Chapter 2 of the Williamsburg Code Pertaining to Administration of Government. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None* (See Attached Adopted Ordinance #07-14)

**City Attorney Reports**

**Adoption of City Code Supplement #19, Proposed Ordinance #07-16**

Reference for this item was Ms. Crist's report dated February 28, 2007. Mr. Phillips said that this ordinance would adopt the supplement of ordinances adopted by City Council during 2006.

*Mr. Freiling Moved That City Council Adopt Proposed Ordinance #07-16, An Ordinance to Adopt Supplement Number 19 January 2007, of the Code of the City of Williamsburg. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None* (See Attached Adopted Ordinance #07-16)

## **Unfinished Business**

### **Request of WRHA to form a Limited Liability Corporation (*Postponed at the December 14, 2006 City Council Meeting*)**

Reference for this item was Mr. Tuttle's report dated December 7, 2006, which included a letter from Mr. Gurganus, Executive Director of the Housing Authority. Mr. Tuttle said that his recommendation at the December meeting was based on the request of the Housing Authority. The Authority asked that City Council approve its request to form an LLC in order to be able to seek funding through State Housing Authority tax credit pools for affordable housing projects in the city. This is a financing vehicle for authority projects. This is an agent for them to do their work, and does not give the Authority added authority that they do not already have. He was comfortable with the Housing Authority to form an LLC.

Mr. Haulman emphasized that this does not change the power of the Authority or what they can do, but provides for a financing mechanism to help get things done considering fiscal restraints.

Mr. Phillips explained the difference between application for tax credit through the State Housing Authority Tax Credit Pool and the Statewide Tax Credit Pool, and explained the operation of a Limited Liability Corporation.

*Mr. Chohany Moved that City Council Approve the Request of the Williamsburg Redevelopment and Housing Authority to Form a Limited Liability Corporation (LLC) to be Wholly Owned by the Authority. The Motion Was Seconded by Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

## **Appointments to Boards and Commissions**

*Mr. Haulman Moved That City Council Reappoint Mr. Oliver Tabb and Mr. David Watson to the Williamsburg Redevelopment and Housing Authority, effective February 6, 2007, for four-year terms to expire February 5, 2011. The Motion was seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Chohany*

*No: None*

## **NEW BUSINESS**

**William and Mary Bone Marrow Drive:** Mayor Zeidler reminded everyone that the annual bone marrow drive would be held on Saturday, April 14, 10:00 a.m. to 3:00 p.m., Williamsburg Community Building. Any person age 18 to 60 years can sign up for the registry. William and Mary students have recruited sponsors to cover the cost of the cheek swab test. Thousands of people have been matched and many lives saved.

**Cameron Issacs, William and Mary Bone Drive,** said that the drive has been around for 16 years, and thousands of people have been registered. Over 70 potentially life-saving matches were found. They hoped for increased participation from the community.

## **OPEN FORUM**

Mayor Zeidler asked for comments.

**Pat Ryan, Operations Managers, Yellow Cab of Williamsburg, 468 N. Boundary Street**, thanked Council for taking the initiative to make the changes to the City Code. Yellow Cab supported the changes. The revisions will provide a safer and better-managed taxicab service for the citizens and tourists of Williamsburg.

**John Hall, city resident**, spoke in support of a new education building in downtown Williamsburg. He suggested that a complex of public buildings be built with federal, state, local, and private monies. He suggested that Council and city residents discuss this idea.

## **CLOSED SESSION**

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one legal matter per subparagraph 7 for the purpose of consultation on specific legal matters requiring advice by counsel, concerning conflict of interest guidelines. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 2:45 p.m.

The Mayor called a five-minute recess.

At 3:05 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

## **OPEN MEETING**

### **CERTIFICATION OF CLOSED MEETING**

Date: March 8, 2007

Motion: Mr. Haulman Second: Mr. Freiling

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed, or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

### **City County Joint School Contract**

Mr. Tuttle and Council members discussed the current state of negotiations on the city and county school contract. Discussion included the following: number of city students in the school system, city student growth, school capital expenses, the city's share of the next two new schools, the city negotiating its share if a third school is needed, and the city's share of overall operating costs. Mr. Tuttle said a new contract would come before Council at its April meeting with a recommendation for approval.

The meeting adjourned at 3:20 p.m.

Approved: April 12, 2007

Mayor Jeanne Zeidler

Shelia Y. Crist  
Clerk of Council